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PTO/SB/21 (6-99)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|   |                             |                               |            |
|---|-----------------------------|-------------------------------|------------|
| <b>Application Number</b>                       | 10/651,840                  |                               |            |
|   | <b>Filing Date</b>          | August 29, 2003               |            |
|   | <b>First Named Inventor</b> | Richard G. Cartledge          |            |
|   | <b>Group/Art Unit</b>       | 3731                          |            |
|   | <b>Examiner Name</b>        | Natalie R. Pous               |            |
| <b>Total Number of Pages in This Submission</b> |                             | <b>Attorney Docket Number</b> | 42749-0010 |

## ENCLOSURES (check all that apply)

|   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> Exhibits<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input checked="" type="checkbox"/> Information Disclosure Statement with PTO-1449s<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Status Claimed<br><input type="checkbox"/> Statement under 3.73(b) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br>15 Foreign References (77 Cited) and Return Receipt Postcard |
| <b>Remarks</b><br>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (ATTORNEY DOCKET NO.: 42749-0010) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.   |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

|                         |  |                  |       |
|-------------------------|--|------------------|-------|
| Firm or Individual name | Paul Davis, Reg. No. 29,294, HELLER EHRMAN LLP |                  |       |
| Signature               |  |                  |       |
| Date                    | March 2, 2006                                  | Customer Number: | 25213 |

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| Typed or printed name   | Jason A. Gonzalez |      |               |
| Signature   |                   | Date | March 2, 2006 |

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Jason Gonzalez



**PATENT**

**Attorney Docket No.: 42749-0010**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

Inventor(s): Richard G. Cartledge, et al.

Application No.: 10/651,840

Filed: August 29, 2003

Title: Implantable Devices for Controlling the Internal  
Circumference of an Anatomic Orifice or Lumen

Art Unit: 3731

Examiner: Natalie R. Pous

**INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. §1.97**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

03/08/2006 WABDELRI 00000006 081641 10651840

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- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 42749-0010).

Respectfully submitted,

HELLER EHRMAN LLP

By: 

Paul Davis  
Reg. No.: 29,294

Dated: 32.06

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**INFORMATION DISCLOSURE  
STATEMENT**
**PTO-1449**
**ATTY. DOCKET NO.**

42749-0010

**SERIAL NO.**

10/651,840

**APPLICANT:** Richard G. Cartledge, et al.

**FILING DATE:** 08/29/2003

**GROUP:** 3731

**U.S. PATENT DOCUMENTS**

| EXAMINER'S<br>INITIALS | PATENT NO.      | DATE       | NAME                          | CLASS | SUBCLASS | FILING DATE |
|------------------------|-----------------|------------|-------------------------------|-------|----------|-------------|
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| <b>EXAMINER</b>        |                 |            | <b>DATE CONSIDERED</b>        |       |          |             |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b> |            |            | ATTY. DOCKET NO.<br>42749-0010          |       | SERIAL NO.<br>10/651,840 |             |
|--|------------|------------|---|-------|--------------------------|-------------|
|  |            |            | APPLICANT: Richard G. Cartledge, et al. |       |                          |             |
|  |            |            | FILING DATE: 08/29/2003                 |       | GROUP: 3731              |             |
| <b>U.S. PATENT DOCUMENTS</b>                                       |            |            |   |       |                          |             |
| EXAMINER'S<br>INITIALS   | PATENT NO. | DATE       | NAME                                    | CLASS | SUBCLASS                 | FILING DATE |
|  | 5,984,959  | 11/16/1999 | John Charles Robertson, et al.          | 623   | 2                        |             |
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| EXAMINER   |            |            | DATE CONSIDERED                         |       |                          |             |

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|--|----------------|------------|---|-------|--------------------------|--------------------------|--------------------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b> |                |            | ATTY. DOCKET NO.<br>42749-0010          |       | SERIAL NO.<br>10/651,840 |                          |                          |
|  |                |            | APPLICANT: Richard G. Cartledge, et al. |       |                          |                          |                          |
|  |                |            | FILING DATE: 08/29/2003                 |       | GROUP: 3731              |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>                                       |                |            |   |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.     | DATE       | NAME                                    | CLASS | SUBCLASS                 | FILING DATE              |                          |
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| <b>FOREIGN PATENT DOCUMENTS</b>                                    |                |            |   |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.     | DATE       | COUNTRY                                 | CLASS | SUBCLASS                 | TRANSLATION              |                          |
|  |                |            |   |       |                          | YES                      | NO                       |
|  | EP 1 554 990   | 07/20/2005 | EP                                      | A61F  | 2/00                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 1999/030647 | 06/24/1999 | WIPO                                    | A61F  | 2/24                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2004/012583 | 02/12/2004 | WIPO                                    | A61B  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2004/060217 | 07/22/2004 | WIPO                                    | A61F  | 2/24                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2004/112585 | 12/29/2004 | WIPO                                    | A61B  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2004/112651 | 12/29/2004 | WIPO                                    | A61F  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2004/112658 | 12/29/2004 | WIPO                                    | A61F  | 2/24                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/007036 | 01/27/2005 | WIPO                                    | A61F  | 2/24                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/007037 | 01/27/2005 | WIPO                                    | A61F  | 2/24                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/007219 | 01/27/2005 | WIPO                                    | A61M  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/009285 | 02/03/2005 | WIPO                                    | A61F  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/025644 | 03/24/2005 | WIPO                                    | A61M  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/046488 | 05/26/2005 | WIPO                                    | A61B  | 17/00                    | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/055883 | 06/23/2005 | WIPO                                    | A61F  | 2/06                     | <input type="checkbox"/> | <input type="checkbox"/> |
|  | WO 2005/062931 | 07/14/2005 | WIPO                                    |       |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| EXAMINER   |                |            | DATE CONSIDERED                         |       |                          |                          |                          |

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